

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CARDIONET, LLC, and BRAEMAR  
MANUFACTURING, LLC

Plaintiffs,

v.

INFOBIONIC, INC.,

Defendant.

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Civil Action No. 1:15-cv-11803-IT

ORDER

March 23, 2016

TALWANI, D.J.

Plaintiffs' Motion for Leave to File Second Amended Complaint [#102] is ALLOWED. Counsel using the Electronic Case Filing System should now file the documents for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include "Leave to file granted on March 23, 2016" in the caption of the document.

In light of the foregoing, Plaintiffs' Motion to Amend Complaint [#98] is DENIED AS MOOT. The court will treat Defendant's Motion for Summary Judgment on Non-Infringement or, in the Alternative, Mootness [#72] as directed to the first four counts of the Second Amended Complaint. That motion, as well as Defendant's Motion for Leave to File Under Seal [#71] documents in support of the motion for summary judgment, Plaintiffs' Motion for Leave to File Under Seal [#79] documents in opposition to the motion for summary judgment, Defendant's Motion for Leave to File Under Seal [#96] documents in reply to plaintiffs' opposition, and Defendant's Renewed Motion to Stay [#106] remain under advisement. Defendant's Motion to Modify Scheduling Order [#131] is DENIED WITHOUT PREJUDICE.

The parties shall meet and confer in good faith and file a joint statement no later than March 30, 2016 proposing any changes to the current scheduling order needed as a result of the filing of the Second Amended Complaint.

IT IS SO ORDERED.

Date: March 23, 2016

/s/ Indira Talwani  
United States District Judge